REMARKS

Claims 8 and 10 have been amended, and claims 8-17 are pending. No new matter has been added. Reconsideration of this application is requested.

Claims 8 and 10 have been objected to due to informalities. The claims have been amended accordingly.

Claims 8-10, 12 and 14 have been rejected under 35 USC 103(a) as unpatentable over Rom (6,252,849) in view of Kesavan (US Pub. 2004/0062200). Claims 11, 13 and 15 have been rejected under 35 USC 103(a) as unpatentable over Rom in view of Kesavan, further in view of Wang (US Pub. 2004/0151184). Claim 16 has been rejected under 35 USC 103(a) as unpatentable over Rom in view of Kesavan, further in view Rose (US Pub. 2004/0205228) and Raphaeli (US Pub. 2003/0103521). Claim 17 has been rejected under 35 USC 103(a) as unpatentable over Rom in view of Kesavan and Wang, further in view Raphaeli. The rejections are respectfully traversed.

In the claimed invention, the packet traffic volume in a network switch is controlled by a switching processor "in response to an input traffic control command". Furthermore, it is claimed that "said input traffic control command" is output by a controller for registering traffic volume. Hence, it is clearly stated that an input traffic control command is first generated by a controller and then, subsequently, output and transmitted to a switching processor. Rom and Kesavan, either alone or in combination, fail to disclose this feature.

Rom discloses a system for traffic flow control in a network switch. If a level in a receiver port is exceeding a certain threshold, a "pause frame" is sent to the data source. Rom only discloses that a "frame is provided to an information packet source

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... to inhibit transmission of information packets". Assuming *arguendo* that this "frame" could be seen as a control command, no disclosure can be found in Rom that such a "frame" or command is output as a result of a comparison of a user value and a value in a packet register.

The Examiner cites Kesavan as disclosing output of the control command. Although Kesavan does disclose that certain data packets in a network are dropped or forwarded at a switch depending on a certain threshold, Kesavan does not disclose that a control command is actually output to a switching processor if a threshold is exceeded. Furthermore, according to Kesavan, packets are scanned in terms of their destination and/or source MAC addresses. That is, to avoid packet storms in a network, data packets originating from one single data source are discarded if their number is exceeding a certain threshold, for example. Kesavan only discloses that data packets are processed based on their source and/or destination addresses. The claimed invention, on the other hand, require the registration of "traffic volume for each of said plurality of ports," meaning that the data volume for each port of a switch is monitored and registered – independent from any address information in the respective data packets. Therefore, Kesavan does not disclose that traffic volume for each port of a switch is registered in memory.

Since the recited structure and method are not disclosed by the applied prior art, either alone or in combination, claims 8-17 are patentable.

Applicants therefore submit that this application is in condition for allowance. An indication of same is solicited. In the event any further matters requiring attention are noted by Examiner, or in the event that prosecution of this application can otherwise be

advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Further, Applicants hereby petition for the Commissioner to charge any additional fees or any underpayment of fees which may be required for this Amendment and which may be required to maintain the pendency of this case at any time during prosecution, or to credit any overpayments, to Deposit Account No. 04-1061, referencing Attorney Docket No. 39090-77.

Respectfully submitted,

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